

REMARKS

Specification Amendments

Applicants have amended the specification to indicate that Application No. 10/179,373 issued as U.S. Patent No. 7,368,285.

Claim Amendments

Claims 194, 196, 198, 200-206, 208, 210-214, 216-217, 229 and 232-233 have been amended. Claims 195, 197, 199, 207, 209 and 215¹ have been canceled. New claims 234-238 have been added. Accordingly, upon entry of the amendments, claims 194, 196, 198, 200-206, 208, 210-214 and 216-238 will be pending.

Support for these amendments can be found throughout the application as filed. *See*, e.g., paragraph [0075]. Applicants also note that these claims contain language similar to previously allowed claims. *See*, e.g., U.S. Patent Nos. 7,344,859 and 7,368,285. No new matter has been added.

Claim Objections

Claims 199-204 are objected to over the term “exhibits.” Claims 210-215 are objected to over the term “possesses.” Applicants submit these terms are synonymous. As such, Applicants have amended claims 199-204 to recite “possesses” instead of “exhibits,” as suggested in the Office Action.

Claims 209-212 are objected to over “Sequence.” Applicants have canceled claim 209 and amended claims 210-212 to recite “sequence,” as suggested in the Office Action.

Claim 217 is objected to because it depends from a canceled claim. Applicants have amended claim 217 to depend from claim 194.

In view of the foregoing, Applicants respectfully request withdrawal of the claim objections.

¹ Applicants note that Office Action indicates that claim 215 is withdrawn as being directed to a non-elected SEQ ID NO. *See* Office Action, page 2.

Claim Rejections - 35 U.S.C. §112, First Paragraph

Claims 194-214 and 216-233 stand rejected on written description and scope of enablement grounds. *See* Office Action, pages 3-5. Applicants respectfully traverse this rejection.

As amended, the claims recite methods of producing a heteromeric taste receptor comprising expressing at least one T1R1 nucleic acid sequence and at least one T1R3 nucleic acid sequence in a recombinant host cell under conditions which result in a heteromeric taste receptor comprising at least one T1R1 and T1R3 polypeptide, wherein said T1R1 and T1R3 polypeptides are encoded by specific SEQ ID NOs, encoded by nucleic acid sequences that hybridize to specific SEQ ID NOs under stringent hybridization conditions or are amino acid sequences having at least 95% sequence identity to specific SEQ ID NOs.² Applicants submit that one of skill in the art, given the teachings in the specification and the knowledge in the art, would understand how to make and use the claimed invention without “undue experimentation” and that Applicants were in possession of the claimed invention.

In view of the foregoing, Applicants respectfully request withdrawal of the written description and enablement rejections.

Claim Rejections - 35 U.S.C. §112, Second Paragraph

Claims 196-197 are rejected over the phrase “same species origin.” Applicants have amended claim 196 to delete the term “origin” and canceled claim 197.

Claims 198-217 are rejected over the phrase “contained in.” Applicants have canceled claims 199, 207, 209 and 215 and amended the remaining claims to change “contained in” to “of,” as suggested in the Office Action.

Claims 206, 207 and 217 are rejected over the phrase “in association with.” Applicants have canceled claim 207 and amended claims 206 and 217 to delete “in association with.”

² Applicants note the recitation of “at least 95% sequence identity” and the hybridization conditions set forth in the instant claims is consistent with the claim language of U.S. Patent No. 7,368,285. *See also* U.S. Patent No. 7,344,859 (directed to methods of producing heteromeric taste receptors).

Claims 206 and 217 are rejected over the phrase “stringent conditions.” Applicants have amended these claims to recite exact hybridization conditions, as suggested in the Office Action.

Claim 217 is rejected over “responds.” Applicants respectfully submit that the recitation of “responds to umami taste stimuli,” as set forth in claim 217, is understood by those of skill in the art. Nonetheless, in the interest of expediting prosecution, Applicants have amended claim 217 to delete the recitation of “or a fragment thereof...that responds to umami taste stimuli.”

Claim 230 is rejected because it is unclear how the sequences are “attached.” Applicants have amended this claim to recite that either of said T1R1 and T1R3 nucleic acid sequences are contained in a nucleic acid construct that comprises a nucleic acid sequence that encodes a detectable label.

In view of the foregoing, Applicants respectfully request withdrawal of the 112, 2nd paragraph rejections.

Obviousness-Type Double Patenting

Claims 194-214 and 216-233 are rejected under the judicially created doctrine of obviousness-type double patenting over claims 1-35 of U.S. Patent No. 7,301,009, claims 1-61 of U.S. Patent No. 7,309,577, and claims 1-64 of U.S. Patent No. 7,303,886.

Applicants respectfully request this rejection be held in abeyance until this application is condition for allowance.

Provisional Obviousness-Type Double Patenting

Claims 194-214 and 216-233 are provisionally rejected under the judicially created doctrine of obviousness-type double patenting over claims 194-198, 200, 202-209, 211-218, 220-234 and 254-277 of co-pending Application No. 10/725,489.³

Applicants respectfully request this rejection be held in abeyance until this application is condition for allowance.

³ Applicants note that Application No. 10/725,489 recently issued as U.S. Patent No. 7,364,903.

Prior Art

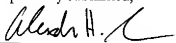
Applicants appreciate the Office Action's statement that "no prior art reference teaches the claimed T1R heterodimers, or that they modulate umami taste." Office Action, page 8. Applicants disagree, however, with the Office Action's contention that the "present invention is only given priority to 09/897,427 (July 3, 2001)." *Id.* Indeed, the instant application is a divisional of U.S. Serial No. 10/179,373, which claims priority to U.S. Provisional Application Serial No. 60/300,434, filed on June 26, 2001. Accordingly, Applicants submit that the instant application should be given priority to at least June 26, 2001.

CONCLUSION

In view of the foregoing, Applicants respectfully request an indication of allowance of all claims.

If the Examiner has any questions relating to this response, or the application in general, he is respectfully requested to contact the undersigned so that prosecution of this application may be expedited.

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